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10/032,251

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03/17/2008

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/032,251	Applicant(s) RADATTI, PETER V.	
	Examiner MICHAEL PYZOGA	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 are pending.
2. Amendment filed 02/05/2008 has been received and considered.

Drawings

3. The drawings were received on 02/05/2008. These drawings are acceptable.

Claim Rejections - 35 USC § 101

4. The rejections under 35 U.S.C. 101 have been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8, 11, 13, 16-19, 21, 23 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Nachenberg (US 6021510).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 8, 9, 11, 13, 16-19, 21-23, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (US 7096493) in view of Nachenberg (US 6021510) and further in view of Small (US 6145012).

As per claims 1, 7, 16-19 and 25, Liu discloses providing a hash code table of a client said hash code table being provided for storing a plurality of files (see column 3 line 60 through column 4 line 8); providing a client state code of a client; and comparing said client state code to said hash code table (see column 4 lines 25-39); wherein said secure hash code table includes the hash codes for files on computers within the network that are to be secured (see column 3 line 60 through column 4 line 8); the method further including: transmitting across a network from clients located in the network a client

state code: providing at least one server within the network assigned to recognize said client state code transmission (see column 4 lines 25-51), wherein said server maintains a listing of files for clients, and wherein said listing of files comprises said hash code table of clients (see Figure 1a).

Liu fails to disclose generating an alert mechanism when a deviation threshold is reached based on a deviation between said hash code table values for said client and said client state code and that the server maintains a baseline for a client.

However, Nachenberg teaches such an alert (see column 4 lines 54-64) and Small teaches a server maintaining a baseline for a client (see column 4 lines 19-47).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Nachenberg's alerting in the Liu system and for the server of Liu to maintain a baseline for a client.

Motivation to do so would have been to notify a user of a virus (see Nachenberg column 4 lines 54-64) and to improve the performance of a system by allowing more efficient transfers of data (see Small column 2 lines 14-20).

As per claims 8, 11, 21 and 23, the modified Liu, Nachenberg and Small system discloses reporting the results of

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the comparison and initiating a client status mechanism (see Liu column 4 lines 48-62 and Nachenberg column 4 lines 54-64).

As per claims 9 and 22, the modified Liu, Nachenberg and Small system discloses logging the results of the comparison (see Liu Figure 2).

As per claim 13, the modified Liu, Nachenberg and Small system discloses generating a client state code using at least one compiled client hash value (see Liu column 3 line 60 through column 4 line 8 and Nachenberg column 4 lines 40-47).

As per claim 28, the modified Liu, Nachenberg and Small system discloses wherein said clients within said network are identical clients and wherein said client state codes of the said identical clients are identical (see Liu column 4 lines 25-67).

As per claims 29, the modified Liu, Nachenberg and Small system discloses wherein the hash code table includes file names and hash codes which are concatenated and stored in said table (see Liu Figure 2).

9. Claims 2, 3, 6, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Nachenberg and Small system as applied to claims 1 and 19 above, and further in view of Angelo (US 5944821).

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As per claims 2, 3, 6, and 20, the modified Liu, Nachenberg and Small system fails to disclose the hash table is a secure hash table.

However, Angelo teaches the use of a secure hash table (see column 4 lines 27-40).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the hash table of the modified Liu, Nachenberg and Small system to be a secure hash table.

Motivation to do so would have been to provide and integrity assessment code.

10. Claims 4, 5, 14, 15 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Nachenberg and Small system (alone or in combination with Angelo) as applied to claims 3 and 25 above, in view of Ward (US 6526411).

As per claims 4, 5, 14, 15 and 26-27, the modified Liu, Nachenberg and Small system fails to disclose grouping (i.e. compiled) the secure system data file and extracting the modal hash value.

However, Ward teaches grouping files and extracting the modal hash value (see column 3 lines 31-42).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Ward's teaching to group the files of the modified Liu, Nachenberg and Small system and to extract the modal hash value.

Motivation to do so would have been to adapt to the most common configuration among clients (see Ward column 1 lines 49-62).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Nachenberg and Small system as applied to claim 1 above, and further in view of Adya et al. (US 20020188605).

As per claim 10, the modified Liu, Nachenberg and Small system fails to disclose securing a client in lock down mode.

However, Adya et al. teach such a limitation (see paragraphs 144-146).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to have Nachenberg include the step of securing a system in lock down mode.

Motivation to do so would have been securing a system in lock down mode because it provides for database security and file authentication.

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12. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Liu, Nachenberg and Small system as applied to claims 1 and 19 above, and further in view of Pascucci et al. (US 5463735).

As per claims 12 and 24, the modified Liu, Nachenberg and Small system fails to disclose initiating an Auto Restore component.

However, Pascucci et al. teaches an Auto Restore component (see column 72 lines 47-65).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use Pascucci et al.'s auto restore feature in the system of Feigen et al.

Motivation to do so would have been to prevent commands from being issued until after all regularly time scheduled commands have been updated.

Response to Arguments

13. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PYZOCHA whose telephone number is (571)272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJP

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2137